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COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

October 2, 2015

Julie Menin, Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioner Menin:

At its Executive Committee meeting on September 24, Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

1. New App. for revocable consent to operate an unenclosed sidewalk café for:

RPB Partners, LLC, d/b/a Sweet Corner Bakeshop, 535 Hudson St., with 6 tables & 12 chairs (11056-2015-ASWC)

Whereas, the area was posted, applicant's owner/baker, Ridolfo Goncalves, was present and stated that he has been operating the bakery for 2 ½ years, closes his business every day at 8 p.m. and does not serve or plan to serve alcohol;

Whereas, some neighbors appeared and complained, in general, about congestion along Hudson Street but had no complaints about this applicant in particular; and, one neighbor stated that the applicant is a good neighbor and provides benches for customers;

Whereas, applicant's agreed to reducing the café 4 tables and 8 chairs and close the café at 8 p.m. every day;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **APPROVAL** of a new application for revocable consent to operate an unenclosed café to **RPB Partners, LLC, d/b/a Sweet Corner Bakeshop, 535 Hudson St., with 4 tables and 8 chairs (11056-2015-ASWC)**

VOTE: Unanimous, with 42 Board Members in favor.

2. New App. for revocable consent to operate an unenclosed sidewalk café for:

Bar Giacosa Corp. d/b/a Il Pittino, 270 Sixth Avenue, with 6 tables & 12 chairs (11811-2015-ASWC)

Whereas, there is no restaurant/bar currently in operation at 270 Sixth Avenue which is formerly a salon and has been empty for more than one year;

Whereas, the proposed café will be located within the boundaries of an approved, fully designed and funded, but not yet constructed, Department of Parks park/community plaza beginning at the corner of Bleecker St. in front of Little Red School, extending southerly on Sixth Avenue in front of 270 Sixth Avenue and continuing along the Bar Pitti and De Salvano cafes to the northern end of Passannante Park on Sixth Avenue;

Whereas, this project shall consist of reconstruction of pavements, fencing, plantings and general site work and construction shall commence in the spring of 2016 and continue for approximately 12 months.

Whereas, Community Board 2 participated in the scoping meeting of this park in or about February, 2014 when design commenced;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of a new application for revocable consent to operate an unenclosed café to **Bar Giacosa Corp. d/b/a Il Pittino, 270 Sixth Avenue, with 6 tables & 12 chairs (11811-2015-ASWC)**

VOTE: Unanimous, with 42 Board Members in favor.

3. New App. for revocable consent to operate an unenclosed sidewalk café for:

643 Broadway Holdings LLC, d/b/a Bleecker Kitchen & Co., 643 Broadway with 4 tables & 8 chairs (5646-2015-ASWC)

Whereas, the area was posted, applicant's managing-member, Josh Berkowitz, was present and Bill Lipschutz, President of 77 Bleecker St. Corp. and a Board Member appeared in opposition;

Whereas, applicant previously signed an Memorandum Of Understanding with the 77 Bleecker St. Corp. and entered into a Stipulations Agreement with Community Board 2, Manhattan wherein he waived his right to apply for a sidewalk café presently or in the future, the specific language in the Agreement is that "they will not apply for a sidewalk café license at present or at anytime in the future";

Whereas, this stipulation, which was agreed to and executed by the applicant, was based on a determination that the issuance of an On-Premise Liquor License by the New York State Liquor Authority (SLA) would not be in the public interest if a sidewalk café were included as part of the premises because of the congested sidewalks, traffic conditions, entrances into the establishment, and other concerns raised by residential neighbors;

Whereas, these Stipulations were included by the SLA as part of the "Method of Operation" incorporated into the Applicant's On-Premise Liquor License;

Whereas, the Applicant has not applied to the SLA for an alteration to amend the stipulations;

THEREFORE, BE IT RESOLVED, that Community Board 2 Manhattan recommends **DENIAL** of a new application for revocable consent to operate an unenclosed sidewalk café for 643 Broadway Holdings LLC, d/b/a Bleecker Kitchen & Co., 643 Broadway with 4 tables & 8 chairs (5646-2015-ASWC); and,

THEREFORE BE IT FURTHER RESOLVED, that should the Department of Consumer Affairs (DCA) consider approving an unenclosed sidewalk café on Broadway only (not Bleecker St), that this application not be considered b DCA until the Applicant is able to first obtain a modification of its SLA License to include a sidewalk café as part of the licensed premises on Broadway.

**VOTE: Passed, with 40 Board Members in favor.
Opposed by 2 Board Members (R. Sanz, & A. Meadows)**

4. Renewal App. for revocable consent to operate and Enclosed sidewalk café for:

**Red Bamboo on 7th Avenue, Inc., 47 7th Ave. So. with 21 tables & 52 chairs (1301309-DCA)
(enclosed)**

Whereas,

- a. the area was posted, community groups notified and there no community members requested this application be heard, and
- b. this is an application dated July 8, **2014**, for the renewal of an enclosed café, and
- c. the restaurant closed permanently on Aug. 30, **2014** and more than a year later is still vacant and on the real estate market, and
- d. the application was not approved and sent to CB2 Manhattan by the Dept. of City Planning until Aug. **2015** nearly one year after the restaurant closed, and
- e. given the applicant is no longer in business at this location, the application cannot be approved,

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **DENIAL** of this RENEWAL application for revocable consent to operate an enclosed sidewalk café for **Red Bamboo on 7th Avenue, Inc., 47 7th Ave. So. with 21 tables & 52 chairs (1301309-DCA)**

VOTE: Unanimous, with 42 Board Members in favor.

FYI Renewal Applications For Sidewalk Cafés (Unenclosed & Enclosed):

Whereas, the renewals below were posted on the CB2 Manhattan website and there were no community members requesting these applications be heard, and

Whereas, these cafés have been operated for at least 2 years by these applicants and the Board has not been notified of any issues with their operation.

- PGT Rest. Corp., d/b/a Slainte, 304 Bowery with 8 tables & 16 chairs (1318806-DCA) (unenclosed)
- Cantaloupe, LLC, d/b/a Lovely Day, 196 Elizabeth St. with 2 tables & 5 chairs (1260966-DCA) (unenclosed)
- Pret A Manger (USA) Limited, d/b/a Pret A Manger, 350 Hudson St. with 10 tables & 20 chairs (1462339-DCA)(unenclosed)
- Vigu, Inc., d/b/a 628 Hudson Café, 628 Hudson St. with 4 tables & 8 chairs (1471523-DCA) (unenclosed)
- Cherry Lane Inc., d/b/a The Randolph at Broome, 349 Broome St. with 7 tables & 16 chairs (1383186-DCA) (unenclosed)
- Lunella Ristorante, Inc., d/b/a Lunella, 173 Mulberry St. with 4 tables & 8 chairs (1072629-DCA) (unenclosed)
- La Mela Ristorante Italiano, Inc, 167 Mulberry St. with 9 tables & 19 chairs (1274929-DCA) (unenclosed)
- Akram Restaurant Management, Inc., d/b/a Da Gennaro, 129 Mulberry St. with 19 tables & 38 chairs (1249523-DCA) (unenclosed)
- Tortilla Flats Inc., 767 Washington St. with 11 tables & 21 chairs (08055433-DCA) (unenclosed)
- N.E.C.F. Inc, d/b/a Mr. Dennehy's, 63 Carmine St. with 14 tables & 28 chairs (1188869-DCA)

THEREFORE BE IT RESOLVED that Community Board 2 Manhattan recommends **APPROVAL** of the above referenced **RENEWAL** applications for revocable consents to operate unenclosed and enclosed sidewalk cafés.

VOTE: Unanimous, with 42 Board Members in favor.

Please advise us of any decision or action taken in response to these resolutions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tobi Bergman', written in a cursive style.

Tobi Bergman, Chair
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
 Hon. Carolyn Maloney, Congresswoman
 Hon. Nydia Velázquez, Congresswoman
 Hon. Brad Hoylman, NY State Senator
 Hon. Daniel L. Squadron, NY State Senator
 Hon. Sheldon Silver, Assembly Member
 Hon. Deborah J. Glick, Assembly Member
 Hon. Gale Brewer, Man. Borough President
 Hon. Corey Johnson, Council Member
 Hon. Margaret Chin, Council Member
 Hon. Rosie Mendez, Council Member